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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/612,238 | 07/02/2003 | Tetsujiro Kondo | 450100-04655 | 4979 |

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New York, NY 10151

EXAMINER

YENKE, BRIAN P

| | |
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| ART UNIT | PAPER NUMBER |
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2622

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,238

Applicant(s)

KONDO ET AL.

Examiner

BRIAN P. YENKE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election (19 July 2006).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-32 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>070203/112604</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter, since there is no recitation of a practical application nor a defined structural and functional interrelationship between the data and computer software or hardware components.

Claims 16, 18, 30 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims as currently recited do not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized (See, e.g., Warmerdam, 33F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory)). In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 16-19, 21, 26 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Manning, US 20030214603.

In considering claims 1, 16-19, 21, 26 and 30-32,

Manning discloses a system which processes an incoming signal in order to ascertain it's aspect ratio and determine the needed adjustment (i.e. pan-scan) based upon the received signal and the type of display format. The system establishes a pan and scan pixel coordinate with the image by prediction. The image frame is examined to determine the location of the most pertinent activity by examining at least one of the video data, audio data and other data such as closed captioning information. The pan-scan pixel coordinate is generated based upon the weighted values of the examined data (i.e. video, audio, caption data). Wherein the claimed 1st, 2nd and 3rd, 4th are met by the acquiring of the information data, the detection (via weighting the information) and generating the pixel coordinates.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 9-15, 21-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning, US 20030214603.

.In considering claims 2-4 and 29,

Manning does not explicitly recite the use of an adjustment value input by a user.

However, the concept of allowing a user to adjust a parameter (i.e. size, brightness etc) with a display is notoriously well known in the art, and thus the examiner takes “OFFICIAL NOTICE” regarding as such, wherein systems allow a user to select a parameter and will adjust the display based upon the user’s selection or not (wherein if a desires to display a 16:9 aspect ratio on a 4:3 screen a system will override such request, see US 6,690,425).

In considering claims 9-12,

Manning does not explicitly recite the detection of environmental information (i.e. ambient conditions). However, the concept of altering the viewing experience based upon temperature, time of day etc... are notoriously well known in the art and thus the examiner takes “OFFICIAL NOTICE” regarding as such, since the inclusion of such enhances the viewing experience as previously known in the art.

In considering claims 21-25, 27 and 29,

Manning does not explicitly recite the claimed detection means using a high-order expression, vector quantization or the producing of a table. As stated above, Manning calculates the coordinates/axes based upon the received information in order to generate a new picture onto a possibly different sized screen in order to provide the user a picture that is centered based upon

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the area of most activity. The applicant discloses that the use of high-order expressions, vectors, tables are known and are thus conventional in the art, thereby supporting “OFFICIAL NOTICE” that there are a variety of ways/methods to analyze data and thus claims reciting as such are not inventive, since these expressions/methods are known to provide an output from a given input.

In considering claim 28,

Manning does not explicitly recite the predictor/video processor being portable.

However the concept of making something portable is considered an obvious modification to one of ordinary skill in the art, based upon legal precedent (*In re Lindbert*, 194 F.2d 732, 73, 93 USPQ 23, 26 (CCPA 1952), and thus is not patentable over Manning.

Allowable Subject Matter

4. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents.

Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS).

PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

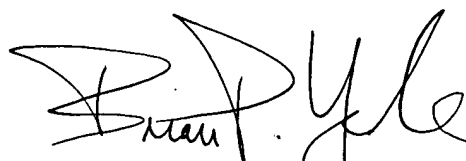
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B.P.Y.

27 September 2006


BRIAN P. YENKE
PRIMARY EXAMINER